

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID M. TROTMAN, #733220,

Plaintiff,

-against-

DR. JAY BOCK, DR. MAX MINNEROP,
R.N. JESSICA LENNON,

Defendants.
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JOSEPH F. BIANCO, District Judge:

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **OCT 25 2018** ★

LONG ISLAND OFFICE

ORDER
18-CV-02481(JFB)(SIL)

On April 19, 2018, *pro se* plaintiff David M. Trotman, who is incarcerated at Suffolk County Correctional Facility, filed a complaint in this Court against Dr. Jay Bock, Dr. Max Minnerop, and R.N. Jessica Lennon (collectively, “defendants”). By Order dated June 29, 2018, the Court granted plaintiff’s request to proceed *in forma pauperis*, and ordered the Clerk of the Court to forward copies of the summonses and complaint to the United States Marshals Service for the Eastern District of New York for service on defendants.

Summonses were issued to defendants, care of Suffolk County Department of Health Services, on July 2, 2018, and were returned executed on August 10, 2018. However, by letter dated August 21, 2018, counsel to the County of Suffolk notified the Court that “none of the named defendants are employed by the County of Suffolk, nor do they work in the Suffolk County Jail Medical Unit” and that “it appear[ed] that this office was served in error.” (ECF No. 17.)

Plaintiff’s complaint does not identify where the events alleged occurred. It states only that the events took place at an unidentified hospital. However, based on the representations in counsel’s August 21, 2018 letter, the events did not occur at a Suffolk County facility. Accordingly, IT IS HEREBY ORDERED that the summonses issued to defendants, care of Suffolk County Department of Health Services, are vacated as erroneously issued. IT IS FURTHER

ORDERED that plaintiff shall provide the Court with the name of the medical facility at which the alleged events occurred so that service can be properly effected on defendants by the United States Marshals Service.¹

SO ORDERED.



Dated: October 21, 2018
Central Islip, New York


Joseph F. Bianco
United States District Judge

¹ On July 11, 2018, before the summonses had been returned executed, plaintiff submitted a “Motion to Compel,” which stated that the complaint had “not been answered 74 days makes 41 days until the court must order responses from defendants. The plaintiff has not received confirmation of order for service upon defendants.” (ECF No. 14.) In light of counsel to the County of Suffolk’s letter and this Order, plaintiff’s “Motion to Compel” is denied without prejudice to renewal should defendants fail to timely appear or answer the complaint after it has been properly served.